

## REMARKS/ARGUMENTS

In the Office Action mailed April 4, 2008, claims 1-19 were rejected and the drawings were objected to. In response, claim 1, 3, 7, 8, 10, 14, and 16 have been amended. In particular, claim 1 has been amended to include the limitations of claim 2, claim 8 has been amended to include the limitations of claim 9, and claim 14 has been amended to include the limitations of claim 15. Claim 7 has been amended to recite “wherein a signal duration of the presence-signaling signal is shorter than a signal duration of the response signal.” Support for the amendment to claim 7 can be found in Applicant’s specification at, for example, claim 2 as originally filed. Additionally, claim 3 has been amended to be dependent on amended claim 1, claim 10 has been amended to be dependent on amended claim 8, and claim 16 has been amended to be dependent on amended claim 14. Claims 2, 9, and 15 have been canceled. Claims 20-22 have been added. Support for claims 20-22 can be found in Applicant’s specification at, for example, paragraph [0051] (U.S. Pat. Pub. No 2006/0109086 A1). Applicant hereby requests reconsideration of the application in view of amended claims, the new claims, and the below-provided remarks.

### Objections to the Drawings

The Office Action states that numbers 4, 7, 7A, 8-18, and 20-23 in figure 1, and numbers 3, 30-38, and 40-47 in figure 2 must be labeled. The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensable for understanding. Further, MPEP 1893.03(f) states that “[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11).” In the present application, Applicant submits that the addition of text labels to the drawings is not “absolutely indispensable” because the individual drawing elements are identified and described in the specification. In view of the above rules, Applicant respectfully asserts that additional text labeling is not required in the drawings of the current application.

### Claim Rejections under 35 U.S.C. 103

Claims 1, 7-8, and 14 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer et al. (U.S. Pat. No. 7,084,769, hereinafter Bauer) in view of Cesar et al. (U.S. Pat. No. 6,172,596, hereinafter Cesar). Claims 2-4, 9-11, and 15-17 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, and further in view of Vacherand et al. (U.S. Pat. No. 6,650,228, hereinafter Vacherand). Claims 5-6, 12-13, and 18-19 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, and further in view of Vacherand. However, instead of Vacherand, Meier (U.S. Pat. No. 6,323,566) was cited to reject claims 5-6, 12-13, and 18-19. Applicant respectfully submits that the pending claims are patentable over Bauer, Cesar, Vacherand, and Meier for the reasons provided below.

#### Independent Claim 1

Claim 1 has been amended to include all of the limitations of claim 2. As amended, claim 1 recites:

“A method of inventorying at least one transponder by means of a communication station, wherein the communication station emits an unmodulated carrier signal in a communications range, and wherein the transponder on entering the communications range emits a presence-signaling signal in the communications range, and wherein the communication station on receiving a presence-signaling signal emits an inventorying command signal in the communications range, and wherein the transponder on receiving the inventorying command signal emits a response signal in the communications range permitting the inventorying of the transponders, and wherein the communication station, on correctly receiving a response signal undertakes inventorying of the transponders, wherein the transponder emits the presence-signaling signal with a first signal duration and the response signal with a second signal duration, and wherein the first signal duration is shorter than the second signal duration.” (emphasis added).

Applicant respectfully asserts that Vacherand teaches away from Bauer and Cesar and therefore should not be combined with Bauer and Cesar. Vacherand teaches that the sequence number assigned to each tag will have a bit length much shorter than the ID code length of the corresponding tag, see column 3 lines 11-18. Additionally, Vacherand teaches that either the sequence number assigned to each tag or the ID code of the corresponding tag is transmitted to the interrogator, see column 3 lines 6-10. These two signals carry information for the same purpose, identifying the tag. In contrast to

Vacherand, Bauer and Cesar teach that two signals are transmitted from a tag to a base station to identify the tag. In the teaching of Vacherand, it would not make sense to transmit both a sequence number and an ID code because both signals carry information for the same purpose, identifying the tag. Because Vacherand teaches sending only one identifying signal (either a sequence number or an ID code) to identify a tag while Bauer and Cesar teach transmitting two signals to identify a tag, Applicant respectfully asserts that Vacherand teaches away from Bauer and Cesar. Because Vacherand teaches away from Bauer and Cesar, Applicant respectfully asserts that it would not be obvious to combine the teachings of Vacherand with Bauer and Cesar. Therefore, Applicant respectfully asserts that a *prima facie* case of obviousness is not established with respect to claim 1.

#### Dependent Claims 3-6

Claims 3-6 depend from and incorporate all of the limitations of the independent claim 1. Applicant respectfully asserts that claims 3-6 are allowable at least based on an allowable claim 1.

#### Independent Claim 7

Claim 7 has been amended to include the limitation of “wherein a signal duration of the presence-signaling signal is shorter than a signal duration of the response signal.” As amended, claim 7 includes a similar limitation to amended claim 1. Because of the similarities between claim 1 and 7, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 7. Accordingly, Applicant respectfully asserts that amended claim 7 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

#### Independent Claim 8

Claim 8 has been amended to include all of the limitations of claim 9. As amended, claim 8 includes a similar limitation to amended claim 1. Because of the similarities between claim 1 and 8, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 8. Accordingly, Applicant

respectfully asserts that amended claim 8 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

#### Dependent Claims 10-13

Claims 10-13 depend from and incorporate all of the limitations of the independent claim 8. Applicant respectfully asserts that claims 10-13 are allowable at least based on an allowable claim 8.

#### Independent Claim 14

Claim 14 has been amended to include all of the limitations of claim 15. As amended, claim 14 includes a similar limitation to amended claim 1. Because of the similarities between claim 1 and 14, Applicant respectfully asserts that the above remarks with regard to amended claim 1 apply also to amended claim 14. Accordingly, Applicant respectfully asserts that amended claim 14 is patentable over Bauer in view of Cesar, and further in view of Vacherand.

#### Dependent Claims 16-19

Claims 16-19 depend from and incorporate all of the limitations of the independent claim 14. Applicant respectfully asserts that claims 16-19 are allowable at least based on an allowable claim 14.

#### New Claims 20-22

Claims 20-22 have been added. Claim 20 depends from independent claim 1, claim 21 depends from independent claim 8, and claim 22 depends from independent claim 14. Applicant respectfully asserts that claim 20 is allowable at least based on an allowable claim 1, claim 21 is allowable at least based on an allowable claim 8, and claim 22 is allowable at least based on an allowable claim 14. Additionally, Applicant asserts that the combination of prior art references does not teach that “the presence-signaling signal does not include an identification data ID of the transponder” as recited in claims 20-22.

## CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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